



# Alameda County Office of Education

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Associate Superintendent  
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313 W. Winton Ave.  
Hayward, California  
94544-1136

(510) 887-0152

[www.acoe.org](http://www.acoe.org)

## Letter of Appeal

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554  
Reference: CC Docket No. 02-6 and CC Docket No. 96-45

## Dave Paulson

Executive Director, Technology  
Alameda County Office of Education  
313 West Winton Ave.  
Hayward, CA 94544  
*Billed Entity # 144914*  
*Telephone: (510) 670-4290*  
*Email: [davep@acoe.org](mailto:davep@acoe.org)*

April 14, 2008

To Whom It May Concern:

This is a Request for Review, submitted by Alameda County Office of Education (ACOE), pertaining to the USAC decision to deny an appeal regarding E-Rate Funding Year 2007-2008, FRN 1596769, on 471 form 577528.

The FRN in question was for a firewall device as allowed under the E-Rate program guidelines. The entire amount of the FRN was originally "Denied" and the decision communicated to ACOE on an FCDL dated December 11, 2007. The reason for denial was stated as "Ineligible Services/Products."

This decision was appealed to SLD on February 7, 2008. The grounds for appeal were that the product requested was indeed eligible under E-Rate guidelines, and a copy of the eligible products search results from the SLD website was included as evidence. This appeal letter and the associated documentation are included with this Request for Review.

The SLD subsequently responded to the appeal with a denial. The Administrator's Decision on Appeal is dated February 25, 2008 (also attached). The basis for the denial is stated once again as the product being ineligible for funding; however, this time the further explanation is that "Unfortunately, the USAC Eligible Products Database was incorrect."



The SLD explanation goes on to state that USAC has subsequently removed the product in question, an Extreme Networks Sentriant (SKU 70011), from the database. This is stated as if the act of cleaning up the database after the fact absolves SLD of any culpability with regard to this matter. This appeal is written in hopes that the FCC will act as final arbiter and ensure that SLD is not allowed to simply sweep their error under the carpet.

ACOE went out to bid for a firewall device and received in response the recommendation that we install a Sentriant device. In view of the fact that the device was eligible for E-Rate funding, as indicated by the only authoritative reference available to ACOE, the Eligible Services Database, ACOE went forward with the proposal and contracted with Quest Systems to perform the work. The product was brought into question during PIA with the same assertion that it was not eligible, and ACOE checked the Eligible Services Database once again. This search yielded the same results: the Sentriant was listed as an eligible product. So, ACOE responded to PIA on November 27, 2007, with a copy of the printout of the Database and asked for any further clarification. We received none. The next communication we received from SLD regarding this matter was the FCDL denying our funding.

The premise for this appeal is not that ACOE believes that FCC should allow funding for the purchase of a Sentriant firewall. If the product is ineligible, as made certain when SLD finally removed it from the database, then so be it. But this should not mean that ACOE, who acted in good faith throughout this process, should be denied funding because of an SLD mistake. Now that we understand the situation, ACOE will be perfectly content with the opportunity to substitute an acceptable firewall for the Sentriant. This then is our request.

Thank you,

A handwritten signature in black ink, appearing to read 'David Paulson', written in a cursive style.

David Paulson  
Executive Director of Technology  
Alameda County Office of Education



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Member

## Letter of Appeal

Schools and Libraries Division – Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

January 31, 2006

SLD Client Service Bureau:

The Alameda County of Education (ACOE) is appealing the USAC decision to deny Funding Year- 2007 E-Rate FRN 1596769, on 471 form number 577528, for services from Quest Media and Supplies, Inc., SPIN 143005814.

In your December 11, 2007 funding commitment decision letter (FCDL), ACOE was denied its E-Rate funding request of \$45,676.25 (the pre-discount amount) for hardware and related services on the grounds that “30% or more of this FRN includes a request for Extreme network Sentriant which is an ineligible product(s) / service(s) based on program rules.” We wish to appeal this decision on the grounds that the decision is completely erroneous.

First, I have no idea why this request even came under scrutiny during PIA. It was questioned under the assertion that the product was ineligible. We responded to this PIA request (response attached) with copies of the original Item 21 attachment, showing the product and services being purchased. We also included a copy of the USAC Eligible Services List printout for the product in question. This printout clearly shows that, according to the currently effective Eligible Services List, the Extreme Networks Sentriant is an eligible product that does not require cost allocation.

This request is for a firewall and necessary related services. The product is listed as eligible and the services are a required element. For these reasons, we ask that you consider this appeal and authorize funding for FRN 1596769.

Thank you,

David Paulson  
Executive Director of Technology  
Alameda County Office of Education  
313 West Winton Ave.  
Hayward, CA 94544  
*Billed Entity # 144194*  
*Telephone: (510) 670-4290*  
*Email: [davep@acoe.org](mailto:davep@acoe.org)*

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**Eileen McDonald**  
Member

November 26, 2007

Schools and Libraries Division  
Program Integrity Assurance  
Ashish Patel

Re: Inquiry Regarding 471 Form Number 577528

This is in response to your email dated November 19, 2007, in which you requested information on form 471 number 577528, FRN 1596769, for Alameda County Office of Education, for E-Rate FY10.

I've included a copy of the Item 21 attachment showing the products and services being purchased. I've also included a printout from the USAC website stating that the Extreme Networks Sentriant is an eligible product and the service contract is a required element.

I hope this will be sufficient for you to make your determinations. If you need additional information, please feel free to contact me at (510) 670-7768 or by email at [jhowell@acoe.org](mailto:jhowell@acoe.org).

Sincerely,

Jeremy Howell  
Help Desk Specialist

313 W. Winton Ave.  
Hayward, California  
94544-1136

(510) 887-0152

[www.acoe.org](http://www.acoe.org)





**Angle Halsey**  
**Account Manager**  
**916.338.7070**

**Tax rate is based upon 8.75% current rate.**

**Quest SPIN# 143005814**



5822 Roseville Rd.

Sacramento, CA

95842

Ph. 916.338.7070 | 800.326.4220

Fx. 916.338.3289

**Quest**  
 5822 Roseville Road  
 Sacramento, California 95842  
 United States  
<http://www.questsys.com>

**Quotation**

<b>Date</b> Jan 11, 2007 1:36 PM PST	<b>Doc #</b> 107057 - rev 1 of 1
<b>Description</b> ERate Y10- Bld# 0612-001- 0 Day Attack Firewall	
<b>SalesRep</b> Butler, Sabra (P) 916-338-7070 ext. 7310 (F) 916-344-5910	
<b>Customer Contact</b> None	

**Customer**  
 Alameda County Office of Education (7570)  
 313 West Winton Ave  
 Alameda, California 94544

**Bill To**  
 Alameda County Office of Education  
 Payable, Accounts  
 313 West Winton Ave  
 Hayward, California 94544

**Ship To**  
 Alameda County Office of Education  
 Services, Network  
 313 W. Winton Avenue  
 Hayward, California 94544-1198

**Customer PO:**  
 None

**Terms:**  
 Unknown

**Ship Via:**  
 UPS Ground

**Special Instructions:**  
 None

**Carrier Account #:**  
 None

Item	Description	Part #	Qty	Tax	Unit Price	Total
<b>PRODUCT</b>						
1	Extreme Networks Sentriant Security appliance - 4 ports - EN, Fast EN, Gigabit EN - 2U	70011	1	Yes	\$27,750.30	\$27,750.30
<b>ANNUAL MAINTENANCE</b>						
2	ExtremeWorks 4 Hour Advanced Hardware Replacement Extended service agreement - parts - 1 year - shipment - 4 h	97007-SEN	1	No	\$10,376.80	\$10,376.80
					<b>Subtotal</b>	<b>\$38,127.10</b>
					<b>Tax (8.750%)</b>	<b>\$2,428.15</b>
					<b>Shipping</b>	<b>\$25.00</b>
					<b>Total</b>	<b>\$40,580.25</b>

The above quote is being provided per customer request. Quest has not evaluated the suitability or compatibility of the product within the Customer's technology environment. Similarly, Quest does not warrant that the functions of the product or software will meet Customer's requirements or that the product or software will operate in combination with other products selected by Customer for Customer use. Please be advised that many software and product manufacturers will not accept returns, which may affect your ability to return or exchange newly purchased products and software. Quest can provide, upon request, Professional Services to assist in determining suitability and compatibility of products or software within Customer's technology environment.

Shipping charges and taxes are estimated. All charges are subject to change without notice. Supply subject to availability.

Quotes are valid for 30 days.



[New Search](#) **Sentriant**

**Product Information**

<b>Product Name</b>	Sentriant
<b>Manufacturer</b>	Extreme Networks
<b>SKU or ID No.</b>	70011
<b>Product Type</b>	Firewall
<b>Cost Allocate</b>	No
<b>Description</b>	Sentriant Security Appliance with 4x10/100/1000 copper ports, 32 VLANs, 1 Gbps, 2 RU appliance with US power cord. Internal network firewall with IDS and DoS protection. Service contract required.
<b>Further Description</b>	
<b>Approximate Price</b>	Not provided

[Return to Search Results](#)

[Print Item](#)



**Administrator's Appeal Acknowledgement Letter**  
(Funding Year 2007: 07/01/07-06/30/08)

February 11, 2008

David Paulson  
Alameda County Office of Education  
313 W. Winton Avenue  
Hayward, CA 94544-1136

Subject: Alameda County Office of Education

David Paulson,

Universal Service Administrative Company has received your correspondence dated January 31, 2008, on February 7, 2008 regarding the 2007 funding decision of your Form 471 Application Number 577528 - FRN 1596769.

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Universal Service Administrative Company

100 South Jefferson Road, P.O. Box 902, Whippany, New Jersey 07981  
Visit us online at: <http://www.usac.org/sl/>





**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2007-2008**

February 25, 2008

David Paulson  
Alameda County Office of Education  
313 West Winton Avenue  
Hayward, CA 94544

Re: Applicant Name: ALAMEDA CO OFFICE OF EDUCATION  
Billed Entity Number: 144194  
Form 471 Application Number: 577528  
Funding Request Number(s): 1596769  
Your Correspondence Dated: January 31, 2008

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1596769  
Decision on Appeal: **Denied**  
Explanation:

- Upon review of the appeal and all relevant documentation, it has been determined that funding request number 1596769 is not eligible for E-rate discounts. According to the documentation submitted in support of this funding request, the funds requested are for the purchase of an Extreme Network Sentriant, SKU 70011, which is ineligible product for E-rate discounts. Additionally, the funding request included installation and maintenance charges for the ineligible equipment and as a result USAC has deemed these charges also ineligible for discounts. On appeal you enclosed a copy of the USAC Eligible Services List printout showing that Extreme Networks Sentriant is an eligible product. Unfortunately, the USAC Eligible Products Database was incorrect. USAC has since removed the Sentriant product (SKU 70011) from the database. Your appeal is denied.

Your Form 471 application included costs for the following ineligible products and/or services: Extreme Network Sentriant and its associated installation and maintenance. FCC Rules provide that funding may be approved only for eligible products and services. 47 C.F.R. secs. 54.502, 54.503. The USAC website contains a list of eligible products and services. See the website, [www.usac.org/sl](http://www.usac.org/sl), Eligible Services List.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company